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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/589,539

Filing Date: August 16, 2006

Applicant: Klaus ABRAHAM-FUCHS et al.

Group Art Unit: 8488

Examiner: Edward B. Winston

Title: METHOD FOR THE SELECTION OF A PARTICIPANT  
IN A MEDICAL PROJECT WITH SELECTION  
CRITERIA FOR PATIENTS

Attorney Docket: 32860-001074/US

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Randolph Building  
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September 23, 2010

STATEMENT UNDER 37 C.F.R. § 1.133(b)

Sir:

In response to the telephonic interview conducted on September 2, 2010 and the Interview Summary dated September 15, 2010, the following remarks are respectfully submitted in connection with the above-identified application.

Interview Summary

Initially, Applicants wish to thank the Examiner and his Supervisor for the courtesies extended to Applicants' representative during the telephonic interview. The parties discussed the Examiners' reasons for not entering the after final amendments. The Examiner agreed to enter the amendments. The parties discussed the 35 U.S.C. § 103(a) rejection. Specifically

the parties discussed the Rao reference. The Examiner and his Supervisor agreed that Rao does not specifically disclose each and every feature of at least claim 1. Therefore, the Examiner and his Supervisor agreed to withdraw the current action and reopen prosecution.

**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By \_\_\_\_\_

Donald J. Daley, Reg. No. 34,713

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